

HOUSE BILL 3282
By Westmoreland

AN ACT to amend Chapter 76 of the Private Acts of 1917; as amended by Chapter 68 of the Private Acts of 1955; Chapter 106 of the Private Acts of 1955; Chapter 25 of the Private Acts of 1963; Chapter 486 of the Private Acts of 1968; Chapter 6 of the Private Acts of 1973; Chapter 281 of the Private Acts of 1974; Chapter 292 of the Private Acts of 1978; Chapter 284 of the Private Acts of 1980; Chapter 198 of the Private Acts of 1982; Chapter 159 of the Private Acts of 1984; Chapter 44 of the Private Acts of 1995 and Chapter 47 of the Private Acts of 1995; and any other acts amendatory thereto, relative to the Charter of the City of Kingsport.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 76 of the Acts of 1917, as amended by Chapters 68 and 106 of the Private Acts of 1955, Chapter 25 of the Private Acts of 1963, Chapter 486 of the Private Acts of 1968, Chapter 281 of the Private Acts of 1974, Chapter 292 of the Private Acts of 1978, Chapter 198 of the Private Acts of 1982, Chapter 159 of the Private Acts of 1984, Chapter 44 of the Private Acts of 1995, and all other acts amendatory thereto, is amended by deleting Article I, Section 2, in its entirety and substituting instead the following:

Section 2. Corporate powers.

(a) City of Kingsport shall have power by ordinance:

(1) Assessment, levy and collection of taxes. To assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation taxable by law for state, county, or city purposes.

(2) Classification of subjects taxed. To adopt such classifications of subjects and objects of taxation as may not be contrary to law.

(3) Special assessments. To make special assessments for local improvements.

(4) Contracts. To contract and be contracted with.

(5) Debts: evidence of indebtedness. To incur debts by borrowing money or otherwise, and to give any appropriate evidence thereof, in the manner hereinafter provided.

(6) Expending money. To expend the money of the city for all lawful purposes.

(7) General powers as to property. To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or state.

(8) Condemnation. To condemn property, real or personal, or any easement, interest or estate or use therein either within or without the city, for present or future public use; such condemnation shall be made and affected in accordance with terms and provisions of Tennessee Code Annotated, Sections 12-1-201 through 206, or in such other manner as may be provided by general law.

(9) Trust powers. To take and hold property within or without the city or state upon trust; and to administer trusts for the public benefit.

(10) Municipal public utilities. To acquire, construct, own, operate and maintain or sell, lease, mortgage, pledge or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to city, its inhabitants, or any part thereof.

(11) Public utility franchises. To grant to any person, firm, association or corporation franchises for public utilities and public services to be furnished the city and those therein. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises; and when an exclusive franchise is granted it shall be exclusive not only as against any other person, firm, association or corporation, but also as against the city. Franchises may be granted for a period of ninety-nine (99) years, but not longer. The board of mayor and aldermen may prescribe in each grant of a franchise, the rates, fares, charges and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to territory within the corporate limits of city at the date of franchise, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys and other thoroughfares, and to any other streets, alleys and other thoroughfares that thereafter may be opened.

(12) Public utility contracts. To make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished to the city and those therein. Such power to make contracts shall embrace power, hereby expressly conferred, to make exclusive contracts; and when an exclusive contract is entered into, it shall be exclusive not only as against any other person, firm, association or corporation, but also against the city itself. Such contracts may be entered into for a period of ninety-nine (99) years, but not longer. The board of mayor and aldermen may prescribe in each such contract entered into, the rates, fares, charges and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to territory within the corporate limits of the city at date of the contract, and as said corporate limits thereafter may be enlarged; and to the then existing streets, alleys and other thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened.

(13) Construction, improvement of streets, assessment therefor. To construct, improve, reconstruct and re-improve by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits and to assess a portion of cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys under, and as provided by either of following acts:

(a) Chapter 276, Public Acts of 1907, entitled: An Act to empower cities or towns of this state having a population of not less than 4,500 and not more than 4,800 inhabitants, under and by Federal census of 1900 or any subsequent Federal census to open, widen, extend, grade, pave, gravel, macadamize, gutter, construct sidewalks, or lay and construct permanent sewers in, curb and park, or otherwise improve streets, avenues, alleys and highways of said municipalities within corporate limits thereof; to levy special taxes, assessments, or local contributions on real estate abutting on said streets, avenues, alleys, and highways; to provide a method of assessing and collecting all or a portion of cost of said improvements on, from and out of property and property owners abutting on said streets, avenues, alleys, and highways, and of paying for same; and to authorize issuance of bonds or certificates of indebtedness to pay for same, and to provide for redemption of said bonds or certificates of indebtedness;

(b) Chapter 18, Public Acts of 1913, First Extra Session, entitled: An Act authorizing construction and improvement, reconstruction and re-improvement by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any of streets, highways, avenues, alleys, or other public

places within corporate limits of cities, towns, or other municipal corporations in state having a population of not less than 2,075 nor more than 35,000 inhabitants according to Federal census of 1910 or by any subsequent Federal census; and to authorize assessment of a portion of cost of such improvement upon property abutting upon or adjacent to such streets, highways, avenues or alleys, and to authorize issuance of bonds to pay for such improvements, and redemption of such bonds, or in such other manner as may be provided by general law, or by ordinance of board of mayor and aldermen.

(14) Licensing and regulation of businesses, occupations, professions.

To license and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not forbidden by law.

(15) License tax on animals, things, pursuits, activities. To impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling, not prohibited by law.

(16) Prohibition, regulation, suppression of acts, conduct, practices; general police powers. To define and prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property and all other things whatsoever detrimental or liable to be detrimental to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city and to exercise general police powers.

(17) Control of occupations and practices liable to be detrimental. To prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of people may lawfully be established, conducted or maintained.

(18) Inspection, weighing, testing of commodity; fee, standards. To inspect, test, measure and weigh any article of consumption or use within the city, and to charge reasonable fees therefor; and to provide standards of weights, tests and measures.

(19) Building regulations; inspection of buildings. To regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent the use thereof and require any alterations or changes necessary to make them healthful, clean or safe.

(20) Convicts. To purchase or construct, maintain and establish a workhouse or farm colony for confinement and detention of any person convicted in city court of offenses against laws and ordinances of city who fails to secure the fine and costs imposed upon him, or to contract with Sullivan County to keep such persons in the workhouse of said county, and to provide by said contract and by ordinance for commitment of such persons to the workhouse so provided until such fine and costs shall be fully paid.

(21) Enforcement of ordinances, regulations, rules; limit of fine and imprisonment. To enforce any ordinance, rule or regulation by means of fines, forfeitures, penalties and imprisonment or by action or proceedings in any court of competent jurisdiction or by any one or more of such means and to impose costs as a part thereof, but no fine, forfeiture or penalty shall exceed five hundred dollars (\$500).

(22) Loaning credit of city; stock holding. To give or loan credit of the city to or in aid of any person, company, association or corporation and to become stockholder with others in any company, association or corporation in the manner provided by Article II, § 29, of the Constitution of Tennessee.

(23) Schools. To establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, to purchase or otherwise acquire land for school houses, playgrounds and other purposes connected with the schools, to erect all necessary buildings and to do all other acts necessary to establish, maintain and operate a complete education system within city.

(24) Animals. To regulate, tax, license or suppress the keeping or going at large of animals within city; to impound the same and in default of redemption to sell or kill the same.

(25) Municipal elections. To enforce the election provisions of this Charter and to exercise all powers relating to regulation and control of municipal elections not contrary to other provisions of this Charter or to general laws respecting municipal elections.

(26) Powers not specifically enumerated. To have and exercise all powers which now or hereafter it would be competent for this charter specifically to enumerate as fully and completely as though said powers were specifically enumerated herein.

(27) To conduct, operate, maintain and control municipally owned stores for the retail sale of intoxicating liquors, subject to a local option election by voters pursuant to election laws under Tennessee Code Annotated, Section 57-3-106, as amended; that revenues from such operation shall be first used to pay state tax obligations and the remainder shall become a part of the general fund of the City of Kingsport.

(28) To enact and establish a fair housing code and enforce fair housing ordinances, to make unlawful and to prohibit discriminatory housing practices in the sale or rental of real property, because of race, color, religion or national origin within the City of Kingsport.

(29) To regulate the operation of taxicab and contract carriers within the City of Kingsport, Tennessee.

(b) City of Kingsport shall have power by resolution:

(1) Power to accept gifts or donations. To accept gifts or donations of real or personal property, and any estate or interest therein, within or without the city or state.

(2) Bonds, warrants, promissory notes or orders. To issue and give, sell, pledge or in any manner dispose of, negotiable or non-negotiable, interest-bearing or non-interest-bearing bonds, warrants, promissory notes or orders of the city, upon credit of the city, or solely upon credit of specific property owned by the city, or solely upon credit of income derived from any property used in connection with any public utility owned or operated by city, or solely upon credit of proceeds of special assessments for local improvements, or upon any two (2) or more such credits.

(3) Regulation and extension of public utilities. To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and services of public utilities and compel, from time to time, reasonable extensions of facilities for such services, but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subsections (a)(11) and (a)(12) of this section.

(4) Establishment, Alteration, etc., of streets, sewers, etc. To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains, within or without the corporate limits, and to regulate use thereof within the corporate

limits. Property may be taken and appropriated for such purposes in the manner provided by law.

(5) Miscellaneous assessments. To assess against abutting property within corporate limits a portion of the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing and street oiling; the removal and disposal of garbage and refuse, the cleaning and rendering sanitary of closets and privies, as provided by the foregoing subsection, or in such other manner as may be provided by general law or by ordinance of the board of mayor and aldermen.

(6) Armory. To authorize the City of Kingsport, for itself or to participate along with the state and/or the federal government to acquire necessary land and buildings as a site for an armory and to erect, construct, equip and maintain an armory or use same as an armory.

(7) Collection and disposition of sewage, garbage, refuse. To collect and dispose of drainage, sewage, offal, ashes, garbage and refuse by discharging same into streams and rivers or otherwise, or to license and regulate such collection and disposal.

(8) Departments, functions and services. To provide and maintain charitable, educational, recreative, curative, corrective, detentive or penal institutions, departments, functions, facilities, instrumentalities, convenience and services.

(9) Weights and measures. To establish, regulate, license and impact weights and measures.

(10) Fire-fighting assistance. To provide, authorize and empower the City of Kingsport to contract with any person, firm or corporation to furnish fire service and to engage in extinguishing fires within or without the corporate limits of the

city and within or without the state of Tennessee, and to aid and assist any political subdivision or other governmental agency in extinguishing fires within or without the corporate limits of the city and within or without the state of Tennessee, by furnishing and sending its firemen and/or fire-fighting equipment within or without the city and within or without the state of Tennessee to fight or to engage in fighting and extinguishing fires, in and to any and all property, and to provide, authorize and empower the City of Kingsport on its own volition, to send its firemen and/or fire-fighting equipment within or without the corporate limits of the city and within or without the state of Tennessee, in order to save lives or property or for purposes of saving lives or property.

(11) To authorize the city manager to appoint, in his discretion, one (1) or more special code enforcement officers upon showing the necessity thereof, to assist in enforcement of the code of ordinances of the City of Kingsport. The duties of special code enforcement officers shall be limited to enforcement of those chapters, divisions, articles and sections of the code of ordinances of the city as are necessary and required for each officer to fulfill his or her duties and responsibilities as an employee of the City of Kingsport assigned to the department of public safety, division of fire; department of public works, animal control division; and such other department or division as may be required by ordinance from time to time to assist in enforcement of particular sections of the code of ordinances of the City of Kingsport. Appointment as special code enforcement officer is revocable at any time by the city manager. Special code enforcement officers shall be empowered only to issue a summons for ordinance violations. Special code enforcement officers shall not be authorized to carry a firearm. Before entering upon the performance of duties, special code enforcement officers shall execute and file with the city recorder a public officer's

liability bond in such amount as may be fixed by resolution of the board of mayor and aldermen.

SECTION 2. Chapter 76 of the Acts of 1917, as amended by Chapter 6 of the Private Acts of 1973, Chapter 292 of the Private Acts of 1978, Chapter 284 of the Private Acts of 1980, Chapters 44 and 47 of the Private Acts of 1995, and all other acts amendatory thereto, is amended by deleting Article IV, Section 2, in its entirety and substituting instead the following:

Section 2. Procedures for passage; emergency ordinances; amendments.

Before its adoption, every ordinance shall be presented on two (2) different days in open session and read in its entirety on the first of those days. Not less than two (2) weeks shall elapse between the first and second presentation, during which time it shall remain on file with the recorder for public inspection. Any ordinance not so read shall become null and void except that, at the discretion of the board of mayor and aldermen, the reading of the ordinance may be dispensed with provided a copy of said proposed ordinance shall have been given to each board member and three (3) copies given to the recorder at least three (3) days prior to the date of the meeting at which said ordinance shall be presented for the first time. No ordinance shall take effect until fifteen (15) days after its final passage, except in the case of an emergency ordinance. Each ordinance shall be signed by the mayor or by three (3) board members and entered in full upon the minutes of the board of mayor and aldermen.

An emergency ordinance may be enacted upon the date of its introduction; however, it shall contain the statement that an emergency exists and specify with particularity the facts and reasons constituting such emergency. The unanimous vote of all members of the board present, and not less than five (5) members shall be required to pass an emergency ordinance.

Upon presentation for the first reading, approval or disapproval may be by voice vote. Upon presentation for final reading, or for approval of an emergency ordinance, the roll shall be called and the responses entered upon the journal of the proceedings;

provided, however, that upon the request of any member, the roll shall be called at any presentation and the responses shall be entered upon the journal of the proceedings.

No ordinance making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be granted, renewed or extended as an emergency ordinance.

No ordinance shall be amended except by a new ordinance.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the city of Kingsport on or before June 30, 1996. Its approval or nonapproval shall be proclaimed by the presiding officer of such body and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

AN ACT to amend Chapter 76 of the Private Acts of 1917; as amended by Chapter 68 of the Private Acts of 1955; Chapter 106 of the Private Acts of 1955; Chapter 25 of the Private Acts of 1963; Chapter 486 of the Private Acts of 1968; Chapter 6 of the Private Acts of 1973; Chapter 281 of the Private Acts of 1974; Chapter 292 of the Private Acts of 1978; Chapter 284 of the Private Acts of 1980; Chapter 198 of the Private Acts of 1982; Chapter 159 of the Private Acts of 1984; Chapter 44 of the Private Acts of 1995 and Chapter 47 of the Private Acts of 1995; and any other acts amendatory thereto, relative to the Charter of the City of Kingsport.

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